

APPELLATE DEFENDER ACT (EXCERPT)
Act 620 of 1978

780.712 Appellate defender commission; creation; appointment, qualifications, and terms of members; compensation and expenses; development of system of indigent appellate defense services; development and adoption of minimum standards; roster of attorneys; appointment by trial court or referral; continuing legal education training program.

Sec. 2. (1) An appellate defender commission is created within the office of the state court administrator. The appellate defender commission consists of 7 members appointed by the governor for terms of 4 years. Of the 7 members, 2 members shall be recommended by the supreme court of this state, 1 member shall be recommended by the court of appeals of this state, 1 member shall be recommended by the Michigan judges association, 2 members shall be recommended by the state bar of Michigan, and 1 member, who shall not be an attorney, shall be selected from the general public by the governor. A member of the commission shall not be at the time of appointment a sitting judge, a prosecuting attorney, or a law enforcement officer.

(2) Initially 4 members of the commission shall be appointed for terms of 4 years and 1 member each for terms of 1, 2, and 3 years respectively.

(3) Members of the commission shall not receive a salary in that capacity but shall be reimbursed for their reasonable actual and necessary expenses by the state treasurer upon the warrant of the state treasurer.

(4) The commission shall be responsible for the development of a system of indigent appellate defense services which shall include services provided by the office of the state appellate defender, provided for under section 3, and locally appointed private counsel.

(5) The commission shall be responsible for the development of minimum standards to which all indigent criminal defense appellate services shall conform. Within 180 days after appointment of the commission and whenever the commission deems it advisable after that period, the commission shall submit proposed standards to the supreme court. Upon approval of the proposed standards by the supreme court, the commission shall adopt the standards.

(6) The commission shall compile and keep current a statewide roster of attorneys eligible for and willing to accept appointment by an appropriate court to serve as criminal appellate defense counsel for indigents. The appointment of criminal appellate defense services for indigents shall be made by the trial court from the roster provided by the commission or shall be referred to the office of the state appellate defender.

(7) The commission shall provide a continuing legal education training program for its staff and the private attorneys who appear on the roster for purposes of appointment for indigent criminal defense appellate service.

History: 1978, Act 620, Imd. Eff. Jan. 6, 1979.